
**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

ESPERANZA APRIL HERNANDEZ,

Petitioner,

v.

USA,

Respondent.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:22-CV-219-HCN

Howard C. Nielson, Jr.
United States District Judge

On January 25, 2021, Petitioner, Esperanza April Hernandez pled guilty to one count of conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a) and 846. *See* Case. No. 2:20-cr-197-1, Dkt. No. 349. On April 13, 2021, the court accepted a plea agreement that Ms. Hernandez had reached with the Government under Federal Rule of Criminal Procedure 11(c)(1)(c) and sentenced Ms. Hernandez to 192 months' incarceration (16 years) as provided by the plea agreement. On March 28, 2022, Ms. Hernandez filed a motion to reduce her sentence under 28 U.S.C. § 2255. *See* Dkt. No. 1. On June 15, 2022, the court dismissed each of Ms. Hernandez's three claims for relief but provided Ms. Hernandez the opportunity to file an amended motion within 30 days seeking to have her guilty plea and resulting conviction vacated, rather than her sentence reduced, based on her first claim for relief. *See* Dkt. No. 2. The court warned, Ms. Hernandez, however, that failure to file a timely amended motion could result in dismissal of this action. *See id.* at 7. On July 26, 2022, Ms. Hernandez sought an extension of time to amend her motion, and the court granted a 45-day extension on July 29, 2022. Although

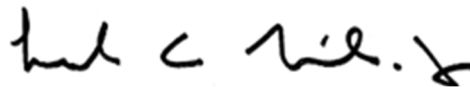
97 days have passed since the court granted this extension, Ms. Hernandez has not filed an amended motion.

No later than December 9, 2022, Ms. Hernandez shall file either an amended motion or a brief showing cause why her Section 2255 motion should not be denied. Failure to do so will result in the denial of her motion and the entry of judgment against her on this action without further notice.

IT IS SO ORDERED.

DATED this 8th day of November, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "H.C. Nielson, Jr.", written over a horizontal line.

Howard C. Nielson, Jr.
United States District Judge